

	:	IN THE CIRCUIT COURT
Plaintiff	:	FOR
- Vs. -	:	WORCESTER COUNTY
	:	STATE OF MARYLAND
Defendant	:	CASE NO.

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**ORDER APPOINTING REPRESENTATIVE FOR MINOR CHILD(REN)**

It appearing to the Court that appointing an Attorney who is experienced in representing children in custody matters is necessary to help the Court decide this case properly; it is, therefore, this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the Circuit Court for Worcester County, Maryland;

**ORDERED**, that \_\_\_\_\_, **ESQUIRE**, who has consented to this appointment, is appointed to represent the **minor child/ren**, \_\_\_\_\_; **DOB**: \_\_\_\_\_ before this Court, in this matter in the following capacity:

☐ *Child's Privilege Attorney*    ☐ *Child's Advocate Attorney*    ☐ *Best Interests Attorney*

A *Child's Privilege Attorney* shall serve as attorney for the minor child(ren) for the limited purpose of determining whether the child's patient privilege should be waived or asserted on behalf of the minor child(ren) pursuant to *Nagle v. Hooks*, 296 Md. 123 (1983).

A *Child's Advocate Attorney* shall represent the child(ren) in a normal attorney-client relationship pursuant to Rule 1.14 of the Maryland Rules of Professional Conduct, with authority to waive or assert any privilege on behalf of his/her client(s)

A *Best Interests Attorney* shall investigate and advocate the child(ren)'s best interests and without being bound by the children's directives or objectives, and shall have authority to waive or assert any privilege on behalf of his/her client(s).

The attorney shall perform the duties required in conformity with the Maryland Rules of Professional Conduct, including the duty of confidentiality and those duties imposed under Rule 1.14 thereof, if applicable, as well as the "Maryland Guidelines of Practice for Court-Appointed Lawyers Representing Children in cases involving Child Custody or Child Access". The attorney may not be compelled to testify in these proceedings. The attorney is not required to submit a written report. The attorney hereby appointed shall be treated by all parties as counsel of record for the minor child(ren); and, it is further

**ORDERED**, that the attorney appointed above, representing the child(ren) named above, shall have immediate access to such child or children, and to all otherwise privileged or confidential information regarding such child or children, without the necessity of any further order or release. Such information includes but is not limited to social services, drug and alcohol treatment, medical, evaluation, law enforcement, school, probation and court records, records of trusts and accounts of which the child is a beneficiary, and other records relevant to the case, including court records of parties to this case or their household members.

Mental health records that are privileged or confidential under state or federal laws shall be released to the attorney **only** in accordance with such laws; and, it is further

**ORDERED**, that the representative's services are to be compensated in the following manner:

- [ ] **Payment into Escrow Account.** Plaintiff is hereby directed to pay the appointed representative for deposit into the representative's trust account the sum of Two Hundred and Fifty Dollars (\$250.00) within 30 days of the date of this Order, and the **Defendant** is hereby directed to pay the appointed representative for deposit into the representative's trust account the sum of Two Hundred Fifty (\$250.00) within 30 days of the date of this Order, as initial contributions toward the fees in performing these services. The representative for the child shall be entitled to charge an hourly fee for services not to exceed \$100.00. The appointed representative shall initially expend no more than ten (10) hours in the course of his/her representation. In the event the appointed representative believes additional time is needed he/she shall seek the approval of the Court. In the event additional time is expended, a final allocation of fees will be determined by the Court at the hearing on the merits of the case, or upon motion.

**FAILURE TO COMPLY WITH THIS PROVISION OF THE ORDER MAY RESULT IN DISMISSAL OF THE CASE, PROCEEDINGS FOR CONTEMPT OR ANY OTHER SANCTION PERMITTED BY LAW.**

- [ ] **Pro Bono Representation.** By way of consent, the representative for the child shall provide these services *pro bono publico*.
- [ ] **Fee Waiver and Court Compensation.** The Court waives the **Defendant's** obligation to make advance payment for the child representation. The child representative may submit a bill for services to the Court at the conclusion of the case, or earlier upon motion. Unless otherwise authorized by Court Order, the Court will compensate the representative for services at an amount not to exceed \$100.00 per hour, up to a maximum of \$1,000.00. The Court may consider the entry of a further Order requiring the Plaintiff and/or Defendant to pay all or a portion of the billed representative's fees. Services rendered by the representative that would require payment over that amount contributed by the Court and/or Ordered to be paid by the parties shall be rendered *pro bono publico*; and, it is further

**ORDERED**, that the attorney representing the minor child shall file a final Petition for Fees with the Court not later than thirty (30) days after the final disposition of the case. The attorney shall also certify copies to the parties and their counsel of record.

SO RECOMMENDED:

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Master of Domestic Relations

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CIRCUIT COURT JUDGE

**CONSENTED TO:**

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Attorney for Minor Child